

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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DAVID BARRAGAN, et al.,

Case No. 3:06-CV-N-00310-LRH-VPC

Plaintiffs,

vs.

ROBIN LANDRY, et al.,

Defendants.

**OR GINAL**

DEPOSITION OF

PAULA A. HAWKINS

May 16, 2007

Reno, Nevada

SUNSHINE REPORTING SERVICES

(775) 323-3411 \* (775) 883-7950

REPORTED BY: DEBORAH MIDDLETON GRECO, CCR #113, RDR, CRR

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ALBERT R. GARCIA, JR. - 05/14/07

1 BE IT REMEMBERED that on Wednesday, May 16, 2007, at

2 the hour of 1:34 p.m. of said day, at the  
law offices of

3 OSBORNE, HALL & OHLSON, 555 South Center Street, Reno, Nevada,

4 before me, DEBORAH MIDDLETON GRECO, a n o t a r y  
public, personally

5 appeared PAULA A. HAWKINS, who was by me first duly  
sworn and

6 was examined as a witness in said  
cause.

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8 PAULA A. HAWKINS

9 called as a witness, having been duly sworn,

10 testified as follows:

11 EXAMINATION

12 BY MR. OHLSON:

13 Q Miss Reporter, this is the time and place set by

14 notice and stipulation for the taking of the deposition of

15 Miss Hawkins, who has graciously appeared.

16 Thank you very much.

17 Everybody ready to go?

18 MR. QUINN: Yes, Slr.

19 MR. OHLSON: Mr. Quinn, do you have your cell phone

20 turned off?

21 MR. QUINN: I have the ringer turned down to buzz

22 only, to vibrate only.

23 MR. OHLSON: Are you going to be receiving on this

24 deposition?

25 MR. QUINN: If it rings, I will not answer it.

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ALBERT R. GARCIA, JR. - 05/14/07

1 A Correct.

2 Q And the cease and desist order would have said you can  
3 apply for a license, and you informed Mr. Rogers at  
4 that time he could get a  
provisional license, correct?

5 A Correct.

6 Q And it looks to me as though Mr. Rogers came to your  
7 office at the first available opportunity to do so?

8 A Correct.

9 Q And at that time, you gave him a license application,  
10 correct?

11 A Correct.

12 Q And you knew that he was informed about the  
13 provisional license period?

14 A Correct.

15 Q Okay. Did you provide Mr. Rogers with any reason to  
16 think that he could not continue to operate the ALA facility in  
17 the short term between your meeting with him and the application  
18 submission?

19 A I did not.

20 Q Okay. And In fact, you had no intention of closing

21 the school down when Mr. Rogers showed  
up to get the license; is

22 that right?

23           A        If he, he had a time period in which -

24           Q        Right.

25           A        -- to submit the information to us.

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1 If that was not completed within that time period,

2 then we would, it was clear to him that we would close  
down the  
3 facility.

4 Q Okay. But it was also clear to him that you would not  
5 close down the facility on licensing reasons if he got his  
6 application in in  
time, correct?

7 A Correct.

8 Q Okay. And because that's what you do?

9 A Correct.

10 Q You are not in the business to unfairly limit the  
11 institutions or schools or child care facilities that you  
12 regulate, are you?

13 A No, I'm not.

14 Q In fact, you are there to make sure that there is  
15 compliance, correct?

16 A Correct.

17 Q And that properly licensable institutions get  
18 licensed, correct?

19 A Correct.

20 Q And that those that are not properly licensable do  
21 not?

22 A Correct.

23 Q Okay. At the time that you met with Mr. Rogers in

24 Carson City, were you possessed of any information that would

25       lead you to believe at that time that ALA was not licensable?

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ALBERT R. GARCIA, JR. - 05/14/07

1 A No. I was aware that there were concerns about the

2 facility.

3 Q Okay. But nothing that would lead you to believe at  
4 that time that they were not licensable?

5 A All I knew is that at that point in time they were not  
6 in compliance with law. They had not been licensed.

7 They had a time period in which to submit a complete  
8 application, which is a fairly lengthy process, and that the 9 child  
welfare investigators had concerns about the facility.

10 Q Okay. All right.

11 None of which led you to believe at that time that  
12 Mr. Rogers had no chance of getting a license?

13 A I did not think that he had no chance of getting a  
14 license.

15 Q All right. So the fact that he remained open during  
16 the appropriate period pending his license application did not 17  
surprise you and didn't seem inappropriate to you?

18 A Repeat that, please.

19 Q As far as you are concerned and your licensing  
20 division, the fact that ALA remained open for the next week or 21 so,  
that if that was within the period, that that did not give 22 you  
concern?

23 A At the time that I provided him the application, it

24 appeared that he was going through the regular process that any

25 person interested in applying for a license would go through.

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